IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE TENTH DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

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PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

WRIT PETITION NO : 16164 of 2004

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Between:

Uppu Ramaiah, @ Ramulu, S/o.Seshaiah,
R/o.Thimmapuram (Village), Arvapalli (Jagireddygudem)

Mandal, Nalgonda Dist.

..... PETITIONER

AND

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1 The Government of A.P., Panchayat Raj Dept., rep.by

its Secretary, Secretariat, Hyderabad.
2 The District Collector, Nalgonda, Nalgonda Dist.
3 The Revenue Divisional officer, Suryapeta, Nalgonda

District.
4 The Mandal Revenue officer, Arvapalli Mandal, Nalgonda

District.
5 Sriramula Parameswar, S/o.Kailasam, Sarpanch,

Thimmapuram, Arvapalli (Jagireddygudem) Mandal,

Nalgonda District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ, order or direction more particularly one in the nature of writ of Mandamus by declaring the inaction of the 4th respondent in not taking action on the complaint dated 19-8-2004 of the petitioner to close the bore well of the 5th respondent in sy.No.277 of Adivemula village, Arvapally (Jagireddygudem) Mandal, Nalgonda District as illegal, arbitrary and contrary to the provisions of the A.P. Land, water and Trees Act, 2002 and Rules made thereunder and violative of Article 14

and 21 of the Constitution of India and direct the respondents to remove the bore well sunk by the 5th respondent.

Counsel for the Petitioner: MR.V.AJAYAKUMAR

Counsel for Respondents 1 to 4: GP FOR REVENUE

Counsel for Respondent No.5:

The Court at the admission stage made the following :

ORDER:

In the absence of any directions issued specifying the distance of sinking of bore well from the existing well to another under Section 13 of the Andhra Pradesh Water, Land & Trees Act, 2002 (for short 'the Act') or a notification under Section 9 and 11 of the Act, the fifth respondent cannot be precluded from digging a bore well in his land. Learned counsel for the petitioner is not in a position to state that any such direction is issued specifying the distance between one bore well to another except

saying that near the drinking water sources, to prevent fifth respondent from digging bore well. In view of the same, the direction sought for by the petitioner to conduct enquiry by the fourth respondent to continuing the bore well sunk by the 5th respondent does not arise. The petitioner is at liberty to move the competent civil court, if his right to draw water is affected by digging the bore well by the fifth respondent.

Accordingly, the Writ Petition is dismissed at the admission stage.

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A. Gopal Reddy, J.

10th September, 2004.

Js.

ASSISTANT REGISTRAR

To

1 The Government of A.P., Panchayat Raj Dept., rep.by

its Secretary, Secretariat, Hyderabad.
2 The District Collector, Nalgonda, Nalgonda Dist.
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Thimmapuram, Arvapalli (Jagireddygudem) Mandal,

Nalgonda District.

6 2 CCs to G.P. for Revenue, High Court Buildings, Hyderabad.

7 2 CD copies.